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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States, *et al.*,

Defendants.

Case No. 3:25-cv-03070-JD

**PLAINTIFFS' MOTION FOR
ADMINISTRATIVE RELIEF ASKING
COURT TO SET A STATUS
CONFERENCE**

1 Plaintiffs American Federation of Government Employees, AFL-CIO, *et al.*, hereby
2 respectfully submit this Motion for Administrative Relief, pursuant to Civil Local Rule 7-11,
3 asking this Court to set a status conference for the purposes of entering a schedule pursuant to
4 Federal Rule of Civil Procedure 16, to move this case forward expeditiously to final judgment.

5 In support of their request, Plaintiffs provide the following showing of good cause.

6 1. On June 24, 2025, finding that Plaintiffs had “demonstrated a serious question as
7 to whether their First Amendment rights have been violated,” ECF No. 60, at 17, this Court granted
8 Plaintiffs’ Motion for Preliminary Injunction to “preserve the status quo until trial,” *id.* at 3, and
9 “resolution of the merits of [Plaintiffs’] claims on a fully developed record,” *id.* at 2. Because the
10 Court determined that Plaintiffs had “demonstrated a serious question under the First Amendment
11 that warrants preserving the status quo pending further litigation,” it did “not take up plaintiffs’
12 other claims as a potential ground for an injunction.” *Id.* at 22. The Court therefore did not address
13 Plaintiff’s claims of viewpoint discrimination under the First Amendment, ultra vires action by the
14 President, or deprivations of due process and equal protection under the Fifth Amendment. *See id.*
15 at 13.

16 2. Simultaneously with granting the motion for a preliminary injunction, the Court
17 stated that “[a]n expedited trial date will be set in a separate order.” *Id.* at 3. The Court set a case
18 management conference for July 17, 2025, and ordered the parties to file a joint case management
19 statement by July 10, 2025. *Id.* at 29. The Court ordered that the “case management statement
20 should contain an expedited proposed schedule and trial date.” *Id.*

21 3. In accordance with the Court’s order, on July 10, 2025, the parties jointly filed a
22 case management statement. ECF No. 69.

23 4. In the meantime, Defendants filed a notice of appeal from the order granting a
24 preliminary injunction and filed motions in this Court and in the Ninth Circuit for a stay of the
25 preliminary injunction pending that appeal. The Ninth Circuit issued an administrative stay on July
26 7, 2025, and scheduled oral argument on Defendants’ motion for a stay pending appeal for July
27 17, 2025.

28 5. On July 15, 2025, “in light of the ongoing appellate proceeding,” this Court vacated

1 the case management conference set for July 17, 2025.

2 6. On August 1, 2025, the Ninth Circuit issued an opinion granting Defendants’
3 request for a stay of the injunctive relief. Order, *AFGE v. Trump*, No. 25-4014 (9th Cir. Aug. 1,
4 2025), ECF No. 32.1.

5 7. An expedited trial date is warranted and necessary despite the pendency of
6 Defendants’ appeal from this Court’s preliminary injunction. A ruling on a preliminary injunction
7 and an appeal from that ruling “ordinarily does not obviate the need to proceed with preparation
8 for trial and trial.” *Big Country Foods, Inc. v. Bd. of Educ. of Anchorage Sch. Dist.*, 868 F.2d 1085,
9 1087 (9th Cir. 1989). A decision resolving a preliminary-injunction appeal “will affect the rights
10 of the parties only until the district court renders judgment on the merits of the case, at which time
11 the losing party may again appeal.” *Sports Form, Inc. v. United Press Int’l, Inc.*, 686 F.2d 750,
12 753 (9th Cir. 1982). In many if not most instances, a case can “proceed[] to a disposition on the
13 merits in far less time than it [takes] to process [an] appeal.” *Id.* As a result, “in many cases, appeal
14 of district courts’ preliminary injunctions will result in unnecessary delay to the parties and
15 inefficient use of judicial resources.” *Id.*; see *Big Country Foods, Inc.*, 868 F.2d at 1087 (“An
16 appeal of the district court’s decision on a motion for a preliminary injunction often will result in
17 unnecessary delay to the parties and inefficient use of judicial resources.”). Indeed, the Ninth
18 Circuit has “applaud[ed]” district courts that have “moved with appropriate speed towards a final
19 disposition” after entering a preliminary injunction and has directed district courts “to proceed to
20 trial and otherwise move towards a final judgment . . . without waiting for . . . interlocutory review”
21 on appeal. *Melendres v. Arpaio*, 695 F.3d 990, 1002-03 (9th Cir. 2012). These considerations
22 weigh strongly in favor of moving expeditiously to final judgment despite the pending appeal of
23 the preliminary injunction.¹

24 8. Moreover, it is imperative that Plaintiffs’ lawsuit move expeditiously to final
25 judgment on all claims raised by Plaintiffs on a fully developed record. As this Court concluded,
26 in the absence of a preliminary injunction maintaining the status quo, Plaintiffs face grave threats

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28 ¹ In the preliminary-injunction appeal pending in the Ninth Circuit, Plaintiffs’ response brief is due on August 22,
2025; Defendants’ reply is due on September 12, 2025; and no oral argument has been scheduled.

1 to their existence and their collective bargaining rights. Those injuries remain ongoing and, indeed,
 2 are increasing in severity. Although the Ninth Circuit, in balancing the equities, stated that
 3 “[w]hatever harm to collective bargaining rights that Plaintiffs will experience due to a stay is
 4 mitigated by the direction to agencies to refrain from terminating collective bargaining agreements
 5 until litigation has concluded,” Defendants are treating the Ninth Circuit’s stay determination as a
 6 license to terminate collective bargaining agreements. On August 6, 2025, the Department of
 7 Veterans Affairs—which employs approximately 467,000 employees, of which approximately
 8 422,000 were in bargaining units previously represented by Plaintiffs—“announced the
 9 termination of collective bargaining agreements for most VA bargaining-unit employees.” VA
 10 Terminates Union Contracts For Most Bargaining-Unit Employees, [https://news.va.gov/press-](https://news.va.gov/press-room/va-terminates-union-contracts-for-most-bargaining-unit-employees/)
 11 [room/va-terminates-union-contracts-for-most-bargaining-unit-employees/](https://news.va.gov/press-room/va-terminates-union-contracts-for-most-bargaining-unit-employees/) (Aug. 6, 2025, press
 12 release); see Chris Cameron, *Trump Administration Begins to Strip Federal Workers of Union*
 13 *Protections*, N.Y. Times (Aug. 6, 2025). On August 8, 2025, the Environmental Protection Agency
 14 informed workers that it had terminated collective bargaining agreements with Plaintiffs AFGE
 15 and NAGE. See Erich Wagner, *EPA Becomes the Second Federal Agency to Cancel its Union*
 16 *Contracts*, Gov’t Exec. (Aug. 11, 2025), [https://www.govexec.com/workforce/2025/08/epa-](https://www.govexec.com/workforce/2025/08/epa-becomes-second-federal-agency-cancel-its-union-contracts/407364/)
 17 [becomes-second-federal-agency-cancel-its-union-contracts/407364/](https://www.govexec.com/workforce/2025/08/epa-becomes-second-federal-agency-cancel-its-union-contracts/407364/). On August 12, 2025, the
 18 Department of Agriculture informed union leaders at the Animal Plant Health Inspection Service
 19 that it had terminated collective bargaining agreements with Plaintiff NFFE. Leah Douglas,
 20 Reuters, *USDA moves to End Employee Union Contracts, Documents Show*, U.S. News & World
 21 Report (Aug. 13, 2025), [https://www.usnews.com/news/politics/articles/2025-08-13/usda-moves-](https://www.usnews.com/news/politics/articles/2025-08-13/usda-moves-to-end-some-employee-union-contracts-documents-show)
 22 [to-end-some-employee-union-contracts-documents-show](https://www.usnews.com/news/politics/articles/2025-08-13/usda-moves-to-end-some-employee-union-contracts-documents-show). Proceeding to final judgment in this
 23 matter is of critical importance to Plaintiffs.

24 9. Plaintiffs contacted Defendants about the relief sought in this Motion and asked if
 25 they would join in a stipulated request to the Court. Defendants declined to join in such a request,
 26 necessitating this Motion.

1 On the basis of the foregoing showing of good cause, Plaintiffs respectfully request this
2 Court set a scheduling conference for the purposes of setting a discovery and briefing schedule
3 and trial date to move this case expeditiously to final judgment.
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Respectfully submitted,

DATED: August 14, 2025

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